

REMARKS

Claims 1-39 are rejected in the Office Action. No claim amendments are offered. Claims 1-39 remain pending.

DOUBLE PATENTING REJECTION

Claims 1-4 are provisionally rejected as claiming the same invention as claims 1-4 and denying of co-pending application 10/623,922 (Docket No. H-302787, 8540R-000004). Applicant respectfully traverses the rejection and requests reconsideration.

Contrary to the statement in the Office Action, claims 1-4 do not claim the same invention as the co-pending claims. As a preliminary matter, Applicants note that co-pending claims 1-4 have been cancelled in prosecution. Further, co-pending claim 9 is drawn to a composite article while the pending claims are drawn to methods of making composite articles. As such, they do not claim the same invention. Accordingly, Applicants respectfully request the rejection be withdrawn.

Claims 1-7, 10, 35, and 37 are provisionally rejected as claiming the same invention as claims 11, 15, 20, 30-34, 37, and 45 of co-pending Application 10/601,269 (Docket No. H-203315, 8540R-000001). Applicants respectfully traverse the rejection and request reconsideration.

The pending claims do not claim the same invention as the co-pending claims. For example, pending claims 1-7 and co-pending claims 30-34 are both drawn to methods, but the method claims have different limitations. To further illustrate, pending claim 10 is drawn to a laminate composition, while pending claim 20 is drawn to a

barrier resin composition. The claims recite different limitations. Pending claim 35 is drawn to a method that recites different limitations than co-pending claims 30-34.

Finally, pending claim 37 recites a body panel that has different limitations than the panels claimed in co-pending claims 11 and 15.

For these reasons, Applicants respectfully submit that rejections for statutory double patenting are inappropriate. Applicants are prepared to file terminal disclaimers as needed to overcome any obviousness type double patenting applied to these or other claims in future prosecution.

REJECTION UNDER 35 U.S.C. § 102

Claims 16-19, 22-24, and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by GB Patent No. 1 493 547. Applicants respectfully traverse the rejection and request reconsideration.

The GB patent does not disclose a composite article comprising a gel coat layer, a laminate layer, and a barrier layer disposed between the gel coat and the laminate. Because all of the rejected claims contain these limitations not found in the reference, they are patentable over the reference. Accordingly, Applicant respectfully requests the rejection be withdrawn.

The GB patent, in fact, is drawn exclusively to the production of glass-reinforced laminate structures such as sheet molding compound. There is no disclosure of barrier layers or of gel coats. Applicants further respectfully submit that it would have not been obvious to modify the disclosure of the GB patent to arrive at the subject matter of the amended claims.

Claims 1-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by the Okayama reference (JP 2001-150559). Applicants respectfully traverse the rejection and request reconsideration.

The patent statute permits recitation of structure in method claims. The mere inclusion of structure in a method claim does not of itself render the claim unstatutory. That is, structural limitations can distinguish methods from the disclosure of a reference. To be entitled to patentable method claims, the recited structural limitations must affect the method in a manipulative sense and not amount of the mere claiming of the use of a particular structure. In re Pfeiffer.

The Examiner has applied In re Pfeiffer to reject the current claims as anticipated over the Okayama reference. The Examiner apparently takes the position that the current claims merely recite the method of use of an article and that therefore the structural limitations of the claims do not have patentable weight. Applicant respectfully submits that the rule of In re Pfeiffer is not applicable to the current case. In contrast to Pfeiffer, where the method claims at issue were methods for using a patented bag, the current claims are drawn to methods of manufacturing a (patentable) composition. The method recites structural limitations that lead to novelty in the composition. As such, the structural limitations of the current claims are necessarily “manipulatively distinct”. That is to say, methods for producing a novel composition are manipulatively distinct in that the claimed process steps must include the extra steps of providing or adding the components that are the point of novelty. For these reasons, Applicant respectfully submits In re Pfeiffer is not applicable to the current claims and requests the anticipation rejection be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

Claims 9, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Okayama reference in view of the GB Patent (No.1 493 547). Applicants respectfully traverse the rejection and request reconsideration.

Claim 1, from which 9 depends, is patentable over the Okayama reference for the reasons discussed above. The GB patent does not make up for the deficiencies. That is, even if the spray gun use disclosed in the GB patent were to be applied to the Okayama reference, the combination would not lead to the subject matter of claim 9.

Applicants do not understand the application of the references to claim 25. Claim 25 recites a composite article having several limitations that are not found in the Okayama reference. As such, the GB patent does not make up the deficiencies of the teachings of the Okayama reference. For these reasons, Applicants believe that claims 9 and 25 are patentable over the cited references. Accordingly, Applicants respectfully request the rejection be withdrawn.

Claims 10-15, 20, 27-29, and apparently 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the GB Patent in view of the Maker reference (U.S. Patent No. 5,087,405). Applicants respectfully traverse the rejection and request reconsideration.

The combined references do not disclose each and every limitation of the rejected claims. For example, the combined references do not disclose the use of polymeric hollow microspheres or glass hollow microspheres recited in the claims. Contrary to the assertion in the Office Action, the Maker reference does not teach the use of hollow microspheres in fiber reinforced laminate. Rather, the Maker reference at column 11, lines 1-15, discloses the use of marble dust (calcium carbonate) as a filler in

an unsaturated polyester resin. The marble dust of the reference is not the polymeric or glass hollow microspheres of the claims. Because the combined references do not disclose every limitation of the claims, rejection under § 103 is improper. Accordingly, Applicants respectfully request the rejection be withdrawn.

Claim 21 is rejected under U.S.C. § 103(a) as unpatentable over the Japanese patent and GB patent as applied to claims 9 and 25, and further in view of the Maker reference. Applicants respectfully traverse the rejection and request reconsideration.

Applicants do not understand this rejection. The references are applied as against claims 9 and 25, yet claim 9 is to a method and claim 25 is to a product. Furthermore, claim 16 is apparently considered patentable over the references, while dependent claim 21 is rejected. But in any event, it is Applicants' position that claim 21 recites a composite article with features not disclosed or suggested by the combination of references applied here, and that the Maker reference does not make up for the deficiencies of the other references. Accordingly, Applicants respectfully request the rejection be withdrawn.

Claims 30-32, 34, and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Okayama reference in view of the Maker reference. Applicants respectfully traverse the rejection and request reconsideration.

Contrary to the assertion in the Office Action, the Maker reference does not teach the aspect of handling a glass cloth on top of the barrier coat layer as recited in the claims. Rather, the cited passage of Maker (column 2, lines 60-65 and column 3, lines 3-14) discloses only application of a liquid gel coat with a spray or a brush. Applicants respectfully submit that such disclosure is not of handling a glass cloth as recited in the claims. Because the references when combined do not disclose every limitation of the

claims, the claims are patentable over the references. Accordingly, Applicant respectfully requests the rejection be withdrawn.

Claim 33 stands rejected under U.S.C. § 103(a) as being obvious over the Maker reference in view of the GB Patent and further in view of the Okayama reference. Applicants respectfully traverse the rejection and requests reconsideration.

The combination of the Maker and GB patents fail to disclose every limitation of claims 30-32 and 34 as discussed above. Applicants respectfully submit that the Okayama reference does not make up for that deficiency. As stated in the Office Action, the Okayama reference is being cited for the proposition that dicyclopentadiene polyester resin is used in fiber reinforced product. As such, it does not overcome the failure of the other two references to disclose the limitations of claim 33. Accordingly, Applicant respectfully requests the rejection be withdrawn.

CONCLUSION

For the reasons discussed above, Applicants believe the claims 1-39 are in a state of allowability and respectfully request an early notice of allowance. The Examiner is invited to contact Applicants' representative at the telephone number below, if that would be helpful in resolving any issue.

Respectfully submitted,

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